

Appl. No. 09/739,802

REMARKS

Upon entry of the present amendment, claims 8-9, 12-13 and 16-31 will remain pending in the above-identified application, with claims 8-9, 12-13 and 16-23 standing ready for further action on the merits, while claims 24-31 stand withdrawn from consideration based upon a prior Restriction Requirement.

The amendments made herein to the claims do not incorporate new matter into the application as originally filed, and are being made in an effort to more distinctly and particularly set forth the invention which Applicants regard as their own.

It is noted that the amendments made herein to claims 8-9 are also based upon comments made in an Examiner interview held with Examiners Kuhar and Bos, which was held at the USPTO on May 2, 2003.

Examiner Interview Summary

The undersigned appreciates the courtesy of both Examiner Kuhar and Bos, in granting a personal interview at the USPTO on May 2, 2003. The Examiner Interview Summary resulting from the interview is correct with regard to subject matter raised in the interview.

Appl. No. 09/739,802

It is noted that the present amendment is made in response to comments made by the Examiner during the interview, and in order to more particularly set forth Applicants' inventive discovery.

As such, claims 8-9 have been amended herein to more particularly recite that the compound (A) is a phthalocyanine complex, and at the same time also deal with 35 USC § 112 issues outstanding, relating to terms such as " μ -oxo type compounds of the metal compound (B)" recited in the claims.

Additionally, it is noted that in the interview of May 2, 2003, certain discussions occurred relating to the language "obtained by contacting" as recited in claims 8-9. The undersigned submits, after discussions with Applicants, that this language is necessary because the compound (A) reacts with the compound (B), or with the compound (B) and the compound (C) to form a catalyst by such "contacting".

Accordingly, based upon entry of the present supplemental amendment, the Examiner is respectfully requested to reconsider and withdraw all outstanding rejections under 35 USC § 112, second paragraph, 35 USC § 102(b) and 35 USC § 103(a) which were set forth in the prior Office Action of January 7, 2003.

Appl. No. 09/739,802

CONCLUSION

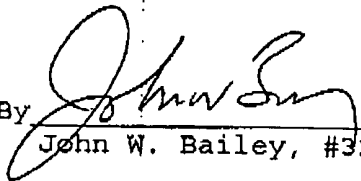
Should the Examiner have any questions concerning the present response, or wish for clarity with respect to any matters discussed herein or in the earlier interview, he is respectfully requested to contact John W. Bailey (Reg. No. 32,881) at the telephone number below, to conduct an interview in an effort to expedite prosecution in connection with the present application.


If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By


John W. Bailey, #32,881JWB/enm
2185-0495PP.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

Certificate of Transmission
I hereby Certify that this correspondence is being
facsimile transmitted to the Patent and
Trademark Office:
On June 4, 2003

Erin N. Miller
Typed or printed name of person signing certificate